

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LELAND A. JORDAN,)
Plaintiff,) CASE NO. C04-1554JCC
v.)
MAJOR NELSON, *et al.*,) ORDER DIRECTING PLAINTIFF
Defendants.) TO ADVISE COURT RE: HIS
) INTENT TO PROCEED

This is a civil rights action brought under 42 U.S.C. § 1983. On February 25, 2005, defendants filed a motion for summary judgment. That motion was noted on the Courts calendar for consideration on April 1, 2005. On March 9, 2005, the Court received a letter from defendants' counsel advising that the copies of defendants' motion which she sent to plaintiff were returned as undeliverable. Defendants' counsel indicated that she mailed the motion papers to plaintiff at the address on file with this Court, as well as to the King County Jail where plaintiff was incarcerated at the time he filed the instant action.

Local Rule CR 41(b)(2) requires that a pro se plaintiff keep the Court and opposing counsel advised of his current address. Plaintiff has not complied with this requirement. As a result, plaintiff

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has not had an opportunity to respond to defendants' summary judgment motion. While it appears likely that plaintiff has chosen to abandon this action, the Court deems it appropriate to attempt to contact plaintiff one final time before proceeding to rule on defendants' summary judgment motion.

Accordingly, the Court does hereby ORDER as follows:

(1) Plaintiff shall advise the Court and opposing counsel within ***thirty (30) days*** whether he intends to proceed with this action. If plaintiff chooses to proceed, he will be given a brief period of time to respond to defendants' motion for summary judgment. If plaintiff fails to respond to this Order, or to otherwise contact the Court, within the next thirty days, the Court will proceed to rule on defendants' motion.

(2) Defendants' motion for summary judgment (Dkt. No. 23) is RE-NOTED on the Court's calendar for consideration on *May 13, 2005*.

(3) The Clerk is directed to send copies of this Order to plaintiff at his address of record and at the King County Jail. The Clerk is further directed to send copies of this Order to counsel for defendants and to the Honorable John C. Coughenour.

DATED this 6th day of April, 2005.

/s JAMES P. DONOHUE
United States Magistrate Judge

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